

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 2:24-cv-06432 MRA (ADS) Date: September 23, 2024

Title: Eric Newborn v. Jason Schultz, Warden

---

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

---

Kristee Hopkins

Deputy Clerk

None Reported

Court Reporter / Recorder

Attorney(s) Present for Petitioner(s):

None Present

Attorney(s) Present for Respondent(s):

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE REGARDING  
DISMISSAL**

Pending before the Court is a Petition for Writ of Habeas Corpus by a Person in State Custody (“Petition”) filed by Eric Newborn (“Petitioner”), a California state prisoner, on July 29, 2024. (Dkt. No. 1.) On July 30, 2024, the Court notified Petitioner that he did not pay the required \$5.00 filing fee or submit a completed Request to Proceed In Forma Pauperis (“IFP Request”), and that he must do so within thirty days. (Dkt. No. 3.) Pursuant to 28 U.S.C. § 1915(a), a prisoner seeking to proceed with a civil action without prepayment of fees must submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees” as well as “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”

As of the date of this Order, Petitioner has not paid the mandatory \$5 filing fee or filed a properly completed IFP request. If Petitioner wishes to proceed with his Petition, he must either (1) pay the \$5.00 filing fee or (2) file a properly completed IFP Request **by no later than October 15, 2024.**

If Petitioner no longer wishes to pursue his claims, he may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). *The Clerk of*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 2:24-cv-06432 MRA (ADS) Date: September 23, 2024

Title: Eric Newborn v. Jason Schultz, Warden

*Court is directed to attach a Notice of Dismissal Form (CV-09) to this Order for Petitioner's convenience.*

**Petitioner is expressly warned that failing to comply with this Order will result in the recommendation that this action be dismissed for failure to prosecute or to obey Court orders pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41-6.<sup>1</sup>**

**IT IS SO ORDERED.**

Initials of Clerk kh

---

<sup>1</sup> This order is nondispositive. However, if Petitioner believes this order erroneously disposes of any of his claims or precludes any relief sought, he may file objections with the district judge within 20 days of the date of the order. See Bastidas v. Chappell, 791 F.3d 1155, 1162 (9th Cir. 2015).